



HON. SYLVIA O. HINDS-RADIX
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THE CITY OF NEW YORK
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July 24, 2023

BY ECF

Honorable Alvin K. Hellerstein
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

The conference scheduled for July 28, 2023 is adjourned to October 20, 2023 at 10:00 a.m.

SO ORDERED.

/s/ Alvin Hellerstein
July 25, 2023

Re: Jahira Dyer, et al. v. City of New York, et al.
23 Civ. 3664 (AKH)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel for the City of New York, and attorney for defendant City of New York (“City”) in the above-referenced matter. Defendant City writes to respectfully request (i) that the Court adjourn the July 28, 2023 Initial Conference to a date after September 26, 2023, and (ii) a corresponding adjournment for the July 26, 2023 deadline to submit the list of counsels to appear at the conference. This is the first such request. Plaintiff’s counsel consents to this request.

By way of background, plaintiff Jahira Dyer filed her Complaint on May 1, 2023, and brought this action, pursuant to 42 U.S.C. § 1983, against the City of New York and New York City Police Department (“NYPD”) Detective Alexander Santiago, alleging claims of, *inter alia*, unlawful search, false arrest, excessive force, and malicious prosecution from May 1, 2022.

Defendant City asks for this extension because the undersigned will be out of the office on July 28, 2023 due to previously scheduled leave. In addition, defendant City was recently served with the Complaint, and has not received an unsealing release from plaintiff. Plaintiff has agreed to provide the unsealing release this week. However, because no unsealing release has been provided, defendant City has not been able to request or access any documents

from the NYPD, criminal court or district attorney's office and, at this time, does not have enough knowledge of the case to have a productive initial conference.¹

Accordingly, defendant City respectfully requests (i) that the Court adjourn the July 28, 2023 Initial Conference to a date after September 26, 2023, which is on or about when defendant's response to the Complaint will be due, assuming plaintiff provides an unsealing release within the week, and (ii) a corresponding adjournment for the July 26, 2023 deadline to submit the list of counsels to appear at the conference.

Defendant City thanks the Court for its consideration herein.

Respectfully submitted,

/s/ Gregory J.O. Accarino

Gregory J.O. Accarino

Senior Counsel

Special Federal Litigation Division

cc: **By ECF:**

Victor Brown, Esq.
Attorney for Plaintiff

¹ On May 2, 2023, this case was designated as part of the Plan. See ECF No. 2, Notice, May 2, 2023. Therefore, the deadline for defendant City to answer or otherwise respond to the Complaint is sixty (60) days after plaintiff's unsealing release is received.